

by the Constitution or laws of the United States.

The defendants have a constitutional duty to protect the Plaintiff from the harm by other inmates. Ingraham v. Wright, 430 U.S. 651 (1987)(Fourteenth Amendment); Stewart v. Love, 696 F.2d 43, 44 (6th Cir.1982)(Eighth Amendment). Thus, a constitutional violation occurs when a prison official is deliberately indifferent to the Plaintiff's risk of injury. McGhee v. Foltz, 852 F.2d 876, 880-881 (6th Cir.1988).

Here, in response to inmate threats and at Plaintiff's request, Plaintiff was transferred to another housing unit to ensure his safety. Despite the threats, Plaintiff does not allege any actual harm since this matter began almost a year ago. The threats alone do not rise to the level of a constitutional violation. *See*

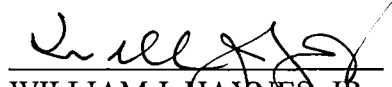
McFadden v. Lucas, 713 F.2d 143, 147 (5th Cir.1983).

In an amendment to his complaint (Docket Entry No. 5), Plaintiff suggests tampering with his legal mail, but Plaintiff has not alleged that the allege tampering in some way prejudiced Plaintiff in filing or pursuing a legal matter. Kensu v. Haigh, 87 F.3d 172, 175 (6th Cir.1996). Thus, Plaintiff has not allege plausible facts for a First Amendment retaliation claim.

Absent a constitutional violation, Plaintiff has failed, therefore, to state a claim upon which § 1983 relief can be granted. Under such circumstances, the Court must dismiss this instant action *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate Order is filed herewith.

ENTERED this the 12th day of September, 2014.


WILLIAM J. HAYNES, JR.
Chief Judge
United States District Court